

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 4, 2015

Mr. James Moore, Director  
Planning and Building Services  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

Dear Mr. Moore:

**RE: Review of the Town of Fairfax's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the Town of Fairfax's revised draft housing element update which was received for review on March 24, 2015, along with additional revisions received on April 28, 2015. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on April 23, 2015 with you, Mr. Garrett Toy, Town Manager, and Ms. Jennifer Gastelum and Ms. Amy Sinsheimer, the Town's consultants. In addition, the Department considered comments from the Law Office of David Grabill pursuant to Government Code Section 65585(c).

The draft element meets most of the statutory requirements of State housing element law (Article 10.6 of the Government Code). The Department cannot find the element in full compliance until Fairfax amends its zoning ordinance to permit year-round emergency shelters without discretionary action pursuant to GC Section 65583(a)(4)(A) as amended by Senate Bill 2 (Chapter 633, Statutes of 2007). Program H-2.1.6.1, identified in the previous element, committed the Town to amend the zoning ordinance to permit emergency shelters in the Central Commercial and Public Domain zones without discretionary action within one year from adoption of the 4th cycle housing element. As noted in the current element on page H-41, this program has not been implemented. The element will comply with housing element law once the Town has completed these zoning amendments and submitted the adopted element to the Department pursuant to GC Section 65585(g).

The element now identifies adequate sites to accommodate Fairfax's regional housing need for lower-income households demonstrated by Programs H-2.1.1.1 and H-2.1.1.2. This program commits to rezone at least 3.24 acres to PDD with specific development standards by January 31, 2016 allowing for multifamily uses by-right with minimum densities of 20 units per acre to address the identified shortfall of 62 units. Please be aware, for the element to continue to demonstrate adequate sites after January 31, 2016, the Town must complete program actions. Pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle's housing need must zone or rezone adequate sites to accommodate all of the previous cycle's unmet housing need within the first year of the next housing element cycle.

**EXHIBIT D**

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To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the Town must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Ms. Sinsheimer in preparation of the housing element and looks forward to receiving Fairfax's adopted housing element. If you have any questions or need additional technical assistance, please contact Melinda Coy, of our staff, at (916) 263-7425.

Sincerely,



Glen A. Campora  
Assistant Deputy Director